

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

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|--|---|--|
| ROBERT SZABO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 18-cv-6258-RWG-MV |
| |) | |
| HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, |) | Honorable Judge Robert W. Gettleman |
| |) | |
| Defendant. |) | Magistrate Judge Maria Valdez |

**HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY'S
CROSS-MOTION FOR JUDGMENT ON THE ADMINISTRATIVE RECORD**

Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY (“Hartford”), by its attorneys, Elizabeth G. Doolin and Sara G. Janes of Chittenden, Murday & Novotny, LLC, pursuant to Fed. R. Civ. P. 52(a), states as follows for its Cross-Motion for Judgment on the Administrative Record:

1. Plaintiff Robert Szabo was a participant in an ERISA-governed employee welfare plan, insured by Hartford pursuant to Policy No. GLT-675580 (the “Policy”), issued to policyholder Davita Healthcare Partners, Inc. Szabo seeks payment of benefits under the Policy pursuant to 29 U.S.C. § 1132(a)(1)(B).

2. Hartford correctly determined that Plaintiff has failed to show that he is disabled as that term is defined by the Policy, or that he is entitled to any further benefits under the Policy.

3. Plaintiff fails to satisfy his burden of proof to show that he is entitled to any of the relief sought in the Complaint.

4. Judgment should be entered in favor of Hartford and against Plaintiff.

5. Hartford incorporates, as if fully set forth herein, the arguments in its Memorandum in Support of its Cross-Motion for Judgment on the Administrative Record, filed

contemporaneously herewith, and the findings of its Proposed Findings of Fact and Conclusions of Law cited therein.

WHEREFORE Defendant HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY respectfully requests that this Court grant its Cross-Motion for Judgment on the Administrative Record, deny Plaintiff's motion for judgment, enter judgment in favor of Hartford and against Plaintiff, dismiss Plaintiff's Complaint with prejudice, and award such other relief as the Court deems just and appropriate.

Dated: August 30, 2019

Respectfully submitted,

CHITTENDEN, MURDAY & NOVOTNY LLC

By: /s/ Elizabeth G. Doolin

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on **August 30, 2019**, I electronically filed the foregoing **Hartford Life and Accident Insurance Company's Cross-Motion for Judgment on the Administrative Record** with the Clerk of the United States District Court for the Northern District of Illinois, using the CM/ECF system which sent notification of such filing to the following registered CM/ECF participants:

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